

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

CONTEMPT PETITION NO. 520 OF 2017  
IN  
WRIT PETITION NO. 4287 OF 2012

Shaikh Hameed s/o Shaikh Ibrahim ...Petitioner

Versus

Shri D.M. Mugalikar,  
Commissioner, Municipal Corporation,  
Aurangabad and Anr. ...Respondents

Mr. S.S. Kazi, Advocate for Petitioner  
Mr. J.R. Shah, Advocate for Respondent No.2

.....

**CORAM : PRASANNA B. VARALE AND  
MANISH PITALE, JJ.**

**DATE: 21<sup>st</sup> SEPTEMBER, 2018**

**ORAL ORDER :**

1. Mr. Kazi, the learned Counsel appearing for the Petitioner, at the outset, submits that though this Court by order dated 7<sup>th</sup> December, 2017 permitted the petitioner to amend the Petition within two weeks, amendment could not be carried out by the petitioner within stipulated period. Mr. Kazi prays a week's time to carry out the amendment. Mr. Kazi, the learned Counsel is permitted to carry out the amendment by way of adding party-respondent No.3 - i.e. Special Land Acquisition Officer/ Dy. Collector, Aurangabad.

2. Perused the order dated 26.04.2016 and the affidavit-in-reply filed on behalf of respondent No.2. Mr. Shah, the learned Counsel submitted that, while deciding the Writ Petition, the Division Bench of this Court was pleased to take note of the facts that the Municipal Corporation has forwarded the proposal for initiation of acquisition proceedings to the Special Land Acquisition Officer/ Dy. Collector on 23.06.2015. Mr. Shah, the learned Counsel submitted that, further direction was to the said Authority, meaning thereby to the Special Land Acquisition Officer/ Dy. Collector, to initiate acquisition proceedings by issuing appropriate notifications within a stipulated period of six months. Mr. Shah, the learned Counsel thus submitted that, as the role which was to be played by the Municipal Corporation was completed by the Corporation by submitting the proposal for initiation of acquisition proceedings, the Contempt Petition filed by the petitioner against the officers of the Municipal Corporation is misconceived.

3. Though, Mr. Kazi, the learned Counsel made an attempt to submit before us that as per Clause-B, the Municipal Corporation was to take steps for further compliance and the Counsel failed to take these steps. Clause B clearly states that, any further compliance is required to be made by the Municipal Corporation. The same shall be made within a time lag of six months. Clause

A makes it clear that it was for the Special Land Acquisition Officer/ Dy. Collector to take appropriate steps within stipulated period of six months from the date of order. This issue can be considered after the reply is filed by the added respondent.

4. The amendment be carried out within one week. On carrying out the amendment, issue notice to the added respondent No.3, making the same returnable within three weeks.

5. Post the Petition for further consideration on 19.10.2018.

**( MANISH PITALE )**  
**JUDGE**

**( PRASANNA B. VARALE )**  
**JUDGE**

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